

GENERAL ORDERS, }
No. 97. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, April 15, 1863.

I..From a review of the proceedings of a General Court Martial before which Captain *William Frinkler*, Assistant Quartermaster, U. S. Volunteers, was tried—which proceedings were published in General Orders, No. 36, of March 1, 1863, from Headquarters, Thirteenth Army Corps—it appears that there is no record to show that either the members of the Court or the Judge Advocate were sworn in presence of the accused.

These and other irregularities in the proceedings render the sentence null and void. Captain *Frinkler* will therefore be released from arrest and restored to duty.

II..In the case of 1st Lieutenant *William H. Eaton*, 2d District of Columbia Volunteers, sentenced "to be dismissed the service" by a General Court Martial, the proceedings of which were published in General Orders, No. 10, Headquarters, Military District of Washington, dated March 24, 1863, the action of the reviewing officer in remitting the sentence is not in accordance with the 89th Article of War, under which the execution of the sentence should have been suspended until the pleasure of the President of the United States could be known. The record, however, is defective in not showing the Court and Judge Advocate were sworn in presence of the accused, and the sentence cannot be enforced.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.